

**IN THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	}	}	CIVIL ACTION NO.
v. ADVANCE COMPONENTS, INC.,	}		JURY TRIAL DEMAND
Plaintiff, Defendant.	}	}	COMPLAINT

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age and to provide appropriate relief to Charging Party Dan Miller, who was terminated because of age.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

2. The employment practices alleged to be unlawful were committed at the Carrollton, Texas based facility, which is within the jurisdiction of the United States District Court for the Northern District of Texas, Dallas Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant, Advance Components, Inc. has continuously been doing business in the State of Texas, and has continuously had at least 20 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

CONCILIATION

6. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS

7. Since at least October 2009, the Defendant has engaged in unlawful employment practices at its facility in Carrollton, Texas, by terminating Dan Miller, age sixty-one (61) in violation of Section 4(a) of the ADEA, 29 U.S.C. § 623(a). Charging Party Miller had performed the job of national sales representative for the central sales territory. Despite his seniority and work performance (twenty years of experience selling Defendant's products), he was selected for termination. The day after he was terminated, his territory was given to an

employee who was 31 years of age. The Charging Party was also subjected to age-based insults and comments during his employment with Defendant. The Defendant's preference for younger employees resulted in Mr. Miller's termination because of age despite his qualifications, experience, skills, abilities and demonstrated performance.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Charging Party Miller of equal employment opportunities and otherwise adversely affect his status as an employee because of his age.

9. The unlawful employment practices complained of in paragraphs 7 and 8 above were willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from further terminations, or engaging in any other employment practice which discriminates on the basis of age against individuals over age 40.

B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals age forty (40) and older, and which eradicate the effects of its past and present unlawful employment practices.

C. Grant a judgment requiring Defendant to pay appropriate back wages in an amount to be determined at trial, and prejudgment interest, to Charging Party Miller who was terminated in October 2009 because of his age.

D. Grant a judgment requiring Defendant to pay liquidated damages in an

amount equal to his back wages to Charging Party Miller who was terminated in October 2009 because of his age.

E. Order Defendant to make whole Charging Party Miller, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to rightful place reinstatement of Charging Party Miller or front pay in lieu thereof.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

P. DAVID LOPEZ
General Counsel

JAMES LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

/s Robert A. Canino
ROBERT A. CANINO
Regional Attorney
Oklahoma Bar No. 011782

/s Suzanne M. Anderson
SUZANNE M. ANDERSON
Supervisory Trial Attorney
Texas Bar No. 14009470

/s William C. Backhaus
WILLIAM C. BACKHAUS
Senior Trial Attorney
Texas Bar No. 01493850

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Dallas District Office
207 S. Houston, Third Floor
Dallas, Texas 75202
(214) 253-2742
(214) 253-2749 (FAX)